

10/525923

Docket No. DFEI-1-1001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
DECLARATION**

As a below-named inventor, I hereby declare that:  
My residence, post office address and citizenship are as stated below beneath my name,

That I verily believe that I am the original, first and sole inventor [if only one name is listed below] or a joint inventor [if plural names are listed below] of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**ELECTRODE FOR PHOTOVOLTAIC CELLS, PHOTOVOLTAIC CELL AND  
PHOTOVOLTAIC MODULE**

the specification of which

☐ is attached hereto

☐ was filed on \_\_\_\_\_ as U.S. Application Serial No. \_\_\_\_\_

☒ was filed on August 21, 2003,  
as PCT International Application Serial No. PCT/CA2003/001278

and (if applicable) was amended on March 12, 2004

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations §1.56(a) and (b) which state:

"(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by Section 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or

the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application,
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability."

I hereby claim foreign priority benefits under Title 35, United States Code §119 and/or §365 of any foreign application[s] for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing of this application:

**PRIOR FOREIGN APPLICATION(S):**

Number	Country	Filing Date (D/M/Y)	Date First Laid-Open or Published	Date Patented or Granted	Priority Claimed? YES
10239845.3	Germany	29/08/2002			

I hereby claim the benefit under Title 35, United States Code, §119 and/or §120 of any United States application[s] listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

[Application Serial No.]	[Filing Date]	[Status: patented, pending, abandoned]
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or

1-00  
imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

1) INVENTOR'S SIGNATURE: 

Date: 24<sup>th</sup> Feb. 2005

Full Name: Leonid B. Rubin

Residence address: Suite 406, 1920 Alberni Street, Vancouver, British Columbia, Canada  
V6G 1B5 CX

Country of Citizenship: Russia

Post Office address: As above

2-00  
2) INVENTOR'S SIGNATURE: 

Date: Feb 24, 2005

Full Name: George L. Rubin

Residence address: Suite 801, 1845 Robson Street, Vancouver, British Columbia, Canada  
V6G 1E4 CX

Country of Citizenship: Canada

Post Office address: As above

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Leonid B. Rubin and  
George L. Rubin

Attorney Docket No. DFEI-1-1001

Serial No.: Pending

Group Art Unit: —

Filing Date:

Examiner: —

Title: ELECTRODE FOR PHOTOVOLTAIC CELLS, PHOTOVOLTAIC CELL AND  
PHOTOVOLTAIC MODULE

VERIFIED ASSERTION CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.27) - MULTIPLE INVENTORS

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.27 (a)(1) for purposes of paying reduced fees under section 41 (h) of Title 35, United States Code, to the Patent and Trademark Office with regard to above-referenced invention.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.27 (a)(1) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.27 (a)(2) or a nonprofit organization under 37 CFR 1.27 (a)(3). Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ no such person, concern, or organization  
☐ persons, concerns or organizations listed below\*

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Full Name:	
Address:	
City/State/Zip:	
<input type="checkbox"/> INDIVIDUAL	
<input type="checkbox"/> SMALL BUSINESS CONCERN	
<input type="checkbox"/> NONPROFIT ORGANIZATION	

25315

CUSTOMER NUMBER

- 1 -

DFEI-1-1001 VERIFIED ASSERT-SMALL ENTITY doc

BLACK LOWE & GRAHAM <sup>PLC</sup>

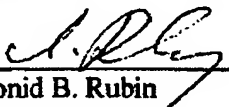
701 Fifth Avenue, Suite 4800  
Seattle, Washington 98104  
206.381.3300 • F: 206.381.3301

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I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.27 (g)(2).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

24<sup>th</sup> Feb. 2005  
Date

  
Leonid B. Rubin

24<sup>th</sup> February, 2005  
Date

  
George L. Rubin


25315

CUSTOMER NUMBER

- 2 -

DFEL-1-1001 VERIFIED ASSERT-SMALL ENTITY doc

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10/525923

Attorney Docket No. DFEI-1-1001**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
POWER OF ATTORNEY****In Re United States National Phase Entry of PCT/CA2003/001278:**

Title: ELECTRODE FOR PHOTOVOLTAIC CELLS,  
PHOTOVOLTAIC CELL AND PHOTOVOLTAIC  
MODULE

First Named Inventor: Leonid B. Rubin

Filed: August 21, 2003

Priority:

German Patent  
Application Number: 102 39 845.3

Filing Date: August 29, 2002

The undersigned hereby appoints as its attorneys and/or agents, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

10 Richard T. Black, Reg. No. 40,514; David A. Lowe, Reg. No. 39,821; Lawrence D. Graham, Reg. No. 40,001; Mark D. Byrne, Reg. No. 50,125; Michael S. Smith, Reg. No. 39,563.

SEND CORRESPONDENCE TO:

Black Lowe & Graham PLLC  
701 Fifth Avenue  
Suite 4800  
Seattle, Washington 98104

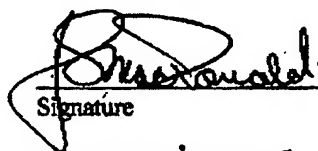
DIRECT TELEPHONE CALLS TO:

Richard T. Black  
at (206) 381-3300

The undersigned hereby further appoints the following agents and authorizes the U.S. attorney(s) or agent(s) named above to accept and follow instructions from the following agents: John W. Knox,

Reg. No. 35,776; Stephen J. Ferance, Reg. No. 48,090; Owen W. Cramer, Reg. No. 55,460; David A. Gileff, Reg. No. 56,494 and Ronald D. Faggetter, Reg. No. 33,345 of the firm Smart & Biggar as to any action to be taken in the Patent and Trademark Office regarding this application.

**DAY4 ENERGY INC.**

  
Signature \_\_\_\_\_  
Print Name: John S. MacDonald  
Title: CHAIRMAN & CEO  
Date: FEBRUARY 24, 2005

10/525923

Rec'd PCT/PTO 25 FEB 2005

PTO/SB/96 (09-04)

Approved for use through 07/31/2008. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: DAY4 ENERGY INC.

Application No./Patent No.: \_\_\_\_\_ Filed/Issue Date: \_\_\_\_\_

Entitled:

DAY4 ENERGY INC.

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

(NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.



Signature

JOHN S. MACDONALD

Printed or Typed Name

FEB 24, 2005

Date

804-734-3294

Telephone Number

CHAIRMAN & CEO

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 36 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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